

# Morgan Lewis

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July 3, 2024

**VIA ECF**

The Honorable Barbara Moses

Daniel Patrick Moynihan

United States Courthouse

500 Pearl Street, Room 740

New York, NY 10007-1312

**Re: *Leadenhall Capital Partners LLP et al v. Wander et al, Case No. 24-CV-03453 (JGK) (BCM)***

Dear Judge Moses:

This firm is counsel to Intervenor ING Capital LLC ("ING") in this action.

I write jointly with Sidley Austin LLP, counsel to Intervenor National Founders LP ("National Founders," and together with ING, the "Intervening Parties") to request relief from the attendance requirements set forth in the Court's Order Scheduling Settlement Conference (Dkt. 136), which scheduled a settlement conference for July 10, 2024, at 2:15 p.m. (the "Settlement Conference").

As set forth more fully in the Intervening Parties' motion papers (Dkts. 67–68 & 110–11), each of the Intervening Parties independently made loans to one or more of the Defendants or their affiliates secured by liens on and security interests in discrete portfolios of structured settlement and other payment streams that are currently serviced by Defendant SuttonPark Servicing LLC. The Intervening Parties sought leave to intervene in this action solely in connection with Plaintiff's application (the "Application") for a temporary restraining order and appointment of a receiver over Defendants and their assets (Dkt. 57) to ensure that any provisional relief granted to Plaintiffs was narrowly tailored and did not adversely affect the Intervening Parties' rights. Judge Koeltl granted National Founders' motion to intervene on May 14, 2024, and ING's motion to intervene on June 7, 2024, in each case solely to be heard on the Application.

The Intervening Parties do not currently intend to take a position on the merits of this litigation. The Intervening Parties understand that longer-term injunctive relief may be

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discussed during the Settlement Conference and seek to participate in the Settlement Conference through their respective counsel. However, because the Intervening Parties have not asserted any claims in this action, they expect their participation in the Settlement Conference will be relatively limited, and there will be no need for anyone with broader settlement authority to participate on Intervening Parties' behalf. In light of the foregoing, the Intervening Parties submit that requiring representatives of the Intervening Parties to attend the Settlement Conference in-person would create undue and significant hardship without providing any utility to the settlement discussions. Accordingly, the Intervening Parties request relief from the in-person attendance requirement.

The lead attorneys for the Intervening Parties will attend the Scheduling Conference in person and participate to the extent that the parties discuss any injunctive relief in connection with the Application. Additionally, if Your Honor grants the Intervening Parties' request, each will have a client representative available by telephone at all times during the Settlement Conference if client input becomes necessary.

Respectfully submitted,

/s/ Stephan E. Hornung

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